

**Public Participation/Noticing Requirements of the
DEQ Remediation & Redevelopment Division (RRD)
517-373-9837**

Action: CERCLA (Superfund) Projects ¹	Public Notice	Public Comment	Public Meeting	Required by Statute
Listing: Notice of proposed listing, public comment and notice of final listing of a Superfund site on the federal NPL.	X	X		Yes (see 1, 2, 3)
Pre-Remedial Investigation and Feasibility Study (RI/FS): RI to determine the type, extent and impact of site contamination; FS to identify the most cost-effective long-term solution to site hazards posed.	X			Yes (see 1, 2, 3)
Record of Decision (ROD): document that explains which cleanup alternative(s) will be used at a Superfund site. The lead agency must publish a notice of availability of the Proposed Plan and a notice of the public comment period (minimum 30 days). The lead agency must prepare a transcript of the meeting, and a responsive summary to significant comments. Public notice must be provided of the availability of the ROD once it is signed.	X	X	X	Yes (see 1, 2, 3)
Remedial Action (RA) kick off: remedial action taken to prevent or alleviate the release of hazardous substance(s) into the environment.	X			Yes (see 1, 2, 3)
Delisting: Notice of intent to delist, public comment and notice of final delisting of a Superfund site from the federal National Priorities List (NPL).	X	X		Yes (see 1, 2, 3)
Community Involvement Plan: Formal plan outlining EPA and state community relations activities at a Superfund site.				Yes
Information Repository: The lead agency must establish an information repository near the site.				Yes
Enforcement Agreements and Consent Decrees: A legal document that binds the parties to implement cleanup activities, sometimes issued by a state or federal court.	X (Federal Register)	X		Yes
Administrative Record: The lead agency must establish an administrative record, make it available to the public, and publish a notice of its availability.	X			Yes
Community Interviews: Formal information gathering sessions. Required at startup of RI.				Yes
Five Year Review (at start of review): This review evaluates the implementation and performance of a remedy in order to determine if the remedy is or will be protective of human health and the environment.	X			No (but EPA guidance recommends)

Five Year Review (when report available):	X			No (but EPA guidance rec.)
Action: CERCLA (Superfund) Projects (continued) ¹	Public Notice	Public Comment	Public Meeting	Required by Statute
Community Advisory Groups: Made up of representatives of diverse community interests. Provides public forum for concerns in Superfund decision making process.				No (but EPA guidance recommends)
Technical Assistance Grants (TAG): The lead agency informs public of the availability of TAGs. TAG is a grant program that provides funds for citizen groups to hire independent technical advisors to help them understand/comment on technical decisions re: Superfund cleanup actions.				No (but EPA guidance recommends)
Fact Sheets / Information Bulletins: Provide basic site information and an update on cleanup progress.				No (but EPA guidance recommends)
Public Meetings / Availability Sessions: Provide basic site information and an update on cleanup progress.				No (but EPA guidance recommends)
Community Involvement Impact Analysis: Analysis designed to determine whether community involvement activities are working and how they can be improved.				No (but EPA guidance recommends)

1. **CERCLA/SARA:** Comprehensive Environmental Response, Compensation, and Liability Act of 1980 PL 96-510 (CERCLA), A federal law passed in 1980 and modified in 1986 by the Superfund Amendments and Reauthorization Act of 1986 PL 99-499 (SARA). The acts created a special tax that goes into a trust fund, commonly known as Superfund, to investigate and clean up abandoned or uncontrolled hazardous waste sites.
2. **NCP:** 1990 National Oil and Hazardous Substances Pollution Contingency Plan (NCP) . The federal regulation that guides the Superfund program (40 CFR Part 300).
3. **Superfund Community Involvement Handbook,** Appendix on Community Involvement Requirements (Pages 75-91). US EPA Document #EPA 540-K-01-003. October 2001; www.epa.gov/superfund.

Action: Part 213 Projects ⁴ Leaking Underground Storage Tank – LUST	Public Notice	Public Comment	Public Meeting	Required by Statute
Mixing Zone Determinations: public noticing in the DEQ Calendar of sites where a mixing zone determination has been made.	X			Yes Section 3109a(2) of NREPA
Note: Owners/operators of leaking underground storage tanks have several reporting requirements under Part 213 (notice to impacted parties; notice to local units of government; notice of aesthetic closure).	X			Sections: 21309a3; 21310a5; 21310a

4. **Part 213 of NREPA:** Part 213 (Leaking Underground Storage Tanks) of the Natural Resources & Environmental Protection Act, 1994 PA 451, as amended (NREPA)

5, 6 Action: Part 201 Projects Environmental Remediation					Public Notice	Public Comment	Public Meeting	Required by Statute
Liability Party Notice: Notice of expenditure of state funds at a Part 201 site of environmental contamination.					X			Rule 115
Publicly Funded Actions Report: Notice of availability of response activity report describing response activity undertaken at Part 201 sites of environmental contamination.					X			Section 20105(1)(h)
Listing: Notice of intent to list a site of environmental contamination on the Part 201 list					X			Sec. 20105(2) Rule 209
Completion of Remedial Investigation (generally noticed before the Feasibility Study (RI/FS): RI to determine the type, extent and impact of site contamination; FS to identify the most cost-effective long-term solution to site hazards. Notice of completion of RI, and an opportunity for public comment/meeting.					X	X		20120d(1)
Proposed Remedial Action Plan (RAP): Notice and brief summary of proposed RAP, and an opportunity for public comment and a public meeting. After public meetings, provide a responsive summary to major issues raised by the public and how they are to be addressed. After selection or approval of the RAP, provide a summary document that explains the reasons for the selection or approval of a RAP and any significant changes from the proposed plan.					X	X	X	Sections 20120d(3)(a) 20120d(3)(b) 20120d(3)(c) 20120d(3)(d) 20120d(5) Rules 522(7)(8)
Delisting: Notice of intent to delist a site of environmental contamination from the Part 201 list, and an opportunity for public comment					X	X		Sections 20105(6) 20105(8)
Brownfield Redevelopment Board: Prior to any remedial actions taken at <u>state-owned</u> sites of environmental contamination, provide an opportunity for an annual public meeting and review of the annual report re: status of state owned sites of contamination and additional funding needed for future response activities							X	Sections 20104a(4) 20108c(11)
Brownfield Redevelopment Board: Provide annual public meeting opportunity prior to board approval of Municipal landfill cost-share grant(s)							X	Sections 20104a(4) 20109a(2)

5. **Part 201 of NREPA:** Part 201 (Environmental Remediation) of the Natural Resources & Environmental Protection Act, 1994 PA 451, as amended (NREPA)
6. **Administrative Rules for Part 201:** Administrative Rules for Part 201 (Environmental Remediation) of the Natural Resources & Environmental Protection Act, 1994 PA 451, as amended (NREPA)